

**SC-100**

**Plaintiff's Claim and ORDER  
to Go to Small Claims Court**

**Notice to the person being sued:**

- You are the defendant if your name is listed in (2) on page 2 of this form. The person suing you is the plaintiff, listed in (1) on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

**Order to Go to Court**

**The people in (1) and (2) must go to court:** (Clerk fills out section below.)

<b>Trial Date</b>	Date	Time	Department	Name and address of court, if different from above
1.	10-14-18	9:00am	6D	AS STATED ABOVE
2.				
3.				
Date:	JCT 01 2018	Clerk, by	J. LUCAS	, Deputy

**Instructions for the person suing:**

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18+ not you or anyone else listed in this case give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

Plaintiff (list names):  
Al Carey

Case Number:

**1 The plaintiff (the person, business, or public entity that is suing) is:**

Name: Al Carey Phone:  
Street address: 1911 Douglas Blvd., Suite 85-139 Roseville CA 95661  
Street City State Zip  
Mailing address (if different): Street City State Zip

If more than one plaintiff, list next plaintiff here:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Street address: \_\_\_\_\_  
Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip  
Mailing address (if different): \_\_\_\_\_  
Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip

- Check here if more than two plaintiffs and attach form SC-100A.  
 Check here if either plaintiff listed above is doing business under a fictitious name. If so, attach form SC-103.  
 Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

**2 The defendant(the person, business, or public entity being sued) is:**

Name: Sears Holdings Management Corporation Phone: (847) 286-2500  
Street address: 3333 Beverly Road Hoffman Estates IL 60179  
Street City State Zip  
Mailing address (if different): Street City State Zip

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: CT Corporation System Job title, if known: \_\_\_\_\_  
Address: 819 Seventh Street, Suite 930 Los Angeles CA 90017  
Street City State Zip

- Check here if your case is against more than one defendant, and attach form SC-100A.  
 Check here if any defendant is on active military duty, and write his or her name here: \_\_\_\_\_

**3 The plaintiff claims the defendant owes \$ 2,500.00 (Explain below):**

- a. Why does the defendant owe the plaintiff money?  
Defective Television/Products, Bad Faith, Breach of Contract/Warranty, Replacement Costs, loss of use

When did this happen? (Date): \_\_\_\_\_

b. If no specific date, give the time period: Date started 2017 Through Present date 9/2018

c. How did you calculate the money owed to you? (Do not include court costs or fees for service)  
replacement estimate and damages

- Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top

**SC-100A**

**Other Plaintiffs or Defendants**

Case Number:

This form is attached to form SC-100, item 1 or 2.

**1 If more than two plaintiffs (person, business, or entity suing), list their information below:**

Other plaintiff's name:

Street address:

Phone:

City:

State:

Zip:

Mailing address (if different):

City:

State:

Zip:

*Is this plaintiff doing business under a fictitious name?  Yes  No If yes, attach form SC-103.*

Other plaintiff's name:

Street address:

Phone:

City:

State:

Zip:

Mailing address (if different):

City:

State:

Zip:

*Is this plaintiff doing business under a fictitious name?  Yes  No If yes, attach form SC-103.*

Check here if more than 4 plaintiffs and fill out and attach another form SC-100A.

**2 If more than one defendant (person, business, or entity being sued), list their information below:**

Other defendant's name: Sears Roebuck & CO

Street address: 3333 Beverly Road

Phone: (847) 266-2500

City: Hoffman Estates

State: IL

Zip: 60179

Mailing address (if different):

City:

State:

Zip:

*If this defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process:*

Name: CT Corporation System - Authorized Agent

Job title, if known:

Address: 818 Seventh Street, Suite 930

City: Los Angeles

State: CA

Zip: 90017

Check here if your case is against more than two defendants, and fill out and attach another form SC-100A.

**3 Is your claim for more than \$2,500?  Yes  No**

*If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.*

**4 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 9/24/18

Al Carey

Type or print your name

Date:

Type or print your name



Sign your name



Sign your name

## SC-100A

## Other Plaintiffs or Defendants

Case Number:

This form is attached to form SC-100, item 1 or 2.

**1 If more than two plaintiffs (person, business, or entity suing), list their information below:**

Other plaintiff's name:

Street address:

Phone:

City:

State:

Zip:

Mailing address (*if different*):

City:

State:

Zip:

*Is this plaintiff doing business under a fictitious name?  Yes  No If yes, attach form SC-103.*

Other plaintiff's name:

Street address:

Phone:

City:

State:

Zip:

Mailing address (*if different*):

City:

State:

Zip:

*Is this plaintiff doing business under a fictitious name?  Yes  No If yes, attach form SC-103.*

Check here if more than 4 plaintiffs and fill out and attach another form SC-100A.

**2 If more than one defendant (person, business, or entity being sued), list their information below:**

Other defendant's name: Anne Hand

Street address: 18017 Del Paso DR

Phone: (847) 286-2500

City: Poway

State: CA

Zip: 92064

Mailing address (*if different*):

City:

State:

Zip:

*If this defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process:*

Name:

Job title, if known:

Address:

City:

State:

Zip:

Check here if your case is against more than two defendants, and fill out and attach another form SC-100A.

**3 Is your claim for more than \$2,500?**  Yes  No

*If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.*

**4 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 9/24/18

Al Carey

Type or print your name

Date:

Type or print your name

► *No Appeal*

Sign your name

►

Sign your name

Plaintiff (list names):

Case Number:

- 4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

Yes  No If no, explain why not:

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a.  (1) Where the defendant lives or does business.  
(2) Where the plaintiff's property was damaged.  
(3) Where the plaintiff was injured.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (*Code Civ. Proc.*, § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (*Civ. Code*, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (*Civ. Code*, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_

(4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.

- 6 List the zip code of the place checked in 5 above (if you know): 95661

- 7 Is your claim about an attorney-client fee dispute?  Yes  No

If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here:

- 8 Are you suing a public entity?  Yes  No

If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes  No If yes, the filing fee for this case will be higher.

- 10 Is your claim for more than \$2,500?  Yes  No

If yes, I have not filed, and understand that I cannot file more than two small claims cases for more than \$2,500 in California during this calendar year.

- 11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 9/24/18

Al Carey

Plaintiff types or prints name here

► *[Signature]*

Plaintiff signs here

Date:

Second plaintiff types or prints name here



Second plaintiff signs here



#### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for form MC-410, Request for Accommodations by Persons With Disabilities and Response. (*Civ. Code*, § 54.8.)



## SC-100

## Information for the defendant (the person being sued)

**"Small claims court"** is a special court where claims for \$10,000 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$10,000. Corporations, partnerships, public entities, and other businesses are limited to claims of \$5,000. (See below for exceptions.\*.) The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?** You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare).

**What if I need an accommodation?** If you have a disability or are hearing impaired, fill out form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don't speak English well?** Ask the court clerk as soon as possible if your court has a court-provided interpreter available and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness or an attorney to interpret for you or ask the court for a list of interpreters for hire.

**Where can I get the court forms I need?** Go to any courthouse or your county law library, or print forms at [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).

**What happens at the trial?** The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?** If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form SC-140, *Notice of Appeal*. You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form SC-200 or form SC-130, *Notice of Entry of Judgment*.
- If you were *not* at the trial, fill out and file form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form SC-140.

For more information on appeals, see [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

### Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case, the plaintiff must file form CIV-110, *Request for Dismissal*, with the clerk. Ask the Small Claims Advisor for help.

\* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)



### Need help?

Your county's Small Claims Advisor can help for free.



Or go to [www.courts.ca.gov/smallclaims/advisor](http://www.courts.ca.gov/smallclaims/advisor).



## SC-100

## Información para el demandado (la persona demandada)

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.) El proceso es rápido y barato. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

**¿Necesito un abogado?** Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

**¿Cómo me preparo para ir a la corte?** No tiene que presentar ningunos papeles antes del juicio, a menos que piense que esta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Este preparado para su juicio" en [www.courts.ca.gov/reclamosmenores/preparese](http://www.courts.ca.gov/reclamosmenores/preparese).

**¿Qué hago si necesito una adaptación?** Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410,

Request for Accomodations. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

**¿Qué pasa si no hablo bien inglés?** Pregúntele al secretario de la corte lo más pronto posible si en el juzgado habrá un intérprete disponible y cómo solicitarlo. No siempre están disponibles los intérpretes de la corte. Otra opción es llevar a un adulto que pueda interpretar para usted siempre que esa persona no sea un testigo ni un abogado. O puede pedir a la corte una lista de intérpretes particulares disponibles para contratar.

**¿Dónde puedo obtener los formularios de la corte que necesito?** Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en [www.courts.ca.gov/smallclaims.forms](http://www.courts.ca.gov/smallclaims.forms) (página está en inglés).

**¿Qué pasa en el juicio?** El juez escuchara a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

**¿Qué pasa si pierdo el caso?** Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, Aviso de apelación (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, Aviso de publicación del fallo (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

**¿Tengo otras opciones?** Si. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso, el Demandante tiene que presentar el formulario CIV-110, Solicitud de desestimación (Request for Dismissal) ante el secretario de la corte. Pidale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pidale a la corte que despidga el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, Citatorio de reclamos menores (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, Reclamo del demandado (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una motion para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".

**Aceptar el reclamo del Demandante y pagar el dinero.** O, si no

puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.

- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

**¿Qué hago si necesito más tiempo?** Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (o 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite [www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores)

\* **Excepciones.** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).)